

**MONTANA STATE BOARD OF NURSING
MEETING MINUTES – FULL BOARD
JANUARY 23 & 24, 2002**

ATTENDANCE:

MEMBERS PRESENT:

Jack Burke RN President
Kim Powell RN
Gretchen McNeely, RN
Rita Harding RN
Sharon Dschaak LPN Secretary
Vickie Badgley LPN
Jeanine Thomas LPN
Steve Rice, Public Member
Lorena Erickson, Public Member

STAFF PRESENT:

Barbara Swehla, RN, Executive Director
Jill Caldwell RN, Nursing Practice Manager (present intermittently)
James Santoro, Legal Counsel
Lori Ballinger, Department Counsel (present intermittently)

Other visitors and guests were present at various times throughout the meeting.
Sign in sheets are kept on file.

CONVENE:

The Board of Nursing convened at 1:45 p.m., January 23, 2002 in the Federal Building, fourth floor conference room, 301 South Park, Helena Montana.

CALL TO ORDER:

The meeting was called to order by President, Jack Burke, RN, at 1:45 p.m.

QUORUM:

President, Jack Burke, RN Member, declared a quorum present.

**ADOPTION OF
AGENDA, MINUTES AND
REPORTS:**

The agenda for the January 23 & 24, 2002 Board of Nursing meeting was reviewed and adopted by a motion from Sharon Dschaak, LPN member, with a second and unanimous vote.

Full board minutes were approved as amended by a unanimous vote with no abstentions or recusals.

**MAIL BALLOT
REPORTS**

Prescriptive Authority Conference Call of 11/12/2001: mail ballot report was approved as amended in a unanimous vote with no abstentions or recusals.

Motion for Attendance at FARB (Federation of Associations of Regulatory Boards) annual meeting: mail ballot report was approved unanimously with no abstentions or recusals.

An amendment to the February 2001 minutes mail ballot report was approved unanimously.

No President's report was submitted.

Executive Director's report was reviewed without comment.

Budget report was discussed with knowledge that the new budgeting process will be somewhat different in relation to recharges by the next board meeting.

Nurses' Assistance Program report was reviewed: NAP consultant, Carol Sem, was present and entertained questions. Trends were discussed, particularly in relation to drug and alcohol relapses since the national tragedy of 9/11/2001 as well as workplace stressors.

EXECUTIVE SESSION: President Jack Burke, RN requested an Executive Session at 2:00 p.m. to discuss matters in which the individual's right to privacy exceeds the public's right to know.

RETURN TO REGULAR SESSION: The Board returned to regular session at 2:30 p.m.

Carol Sem's Report of Nursing Volunteer Work at Ground Zero in New York City:

Ms. Sem provided a verbal summary of her experience as a Red Cross mental health volunteer at ground zero, the site of the World Trade Center tragedy on 9/11/2001.

Request for Early Release from Probation: Laurie Jergesen, RN 23657

Lorena Erickson, Public Member, moved to "accept the early release of Laurie Jergesen, RN from NAP." The motion was seconded and passed unanimously with no abstentions or recusals.

The approval was based on letters from Ms. Jergesen, Carol Sem, NAP Consultant, and a verbal recommendation from Department Counsel, Lori Ballinger.

**RECOMMENDATIONS
FROM NURSING
PRACTICE AND
CREDENTIALS
COMMITTEE:**

Endorsement Applications

Ronald D. Curley

Vickie Badgley LPN made a motion "to accept endorsement for LPN" (Ronald Curley). The motion passed unanimously with no recusals or abstentions.

Andrea Lynn Stodtmeister

Vickie Badgley LPN made a motion "to accept endorsement for LPN" (Andrea Lynn Stodtmeister). The motion passed unanimously with no recusals or abstentions.

Janet Surigao

Sharon Dschaak LPN made a motion "to accept licensure by endorsement" (Janet Surigo). The motion passed unanimously with no recusals or abstentions.

Allergy Technicians

The Committee received a letter from a nurse detailing her concerns about unlicensed individuals working in allergy clinics. John Sullivan, attorney, was also present to discuss the position of some Montana Otolaryngologists. The physicians and the Board of Medical Examiners believe that they can delegate any activity to anyone under their supervision. The roles of the respective boards

were discussed. Jim Santoro, Board Counsel will research the issue, as well as the past Attorney General's Opinion regarding the scope of nursing practice. The Board office and Mr. Sullivan will share information regarding the positions of various nursing and medical associations on this issue.

Frequently Asked Questions

The Committee discussed the frequently asked questions and answers that are now ready for the Board website. Jim Santoro, Board Counsel was consulted on the usefulness of these statements, and he will research the issue and report back to the Board. The Board agreed by unanimous consent to publish them as frequently asked questions on the web site. Rita Harding, RN member, moved to "place the Q & A advisory statements on the Board of Nursing website". The motion passed unanimously with no recusals or abstentions.

Kim Powell RN has written a Position Statement on Fracture Reduction. Rita Harding, RN, made a motion to "move that the BON accept the third (drafted by K. Powell) revision of the fracture reduction opinion." The motion passed unanimously with no recusals or abstentions.

LPN IV rules

The Committee was asked to reconsider the LPN IV rules regarding giving medications through PICC lines. The Committee members believe that the rules may need to be amended due to the change in technology, use of PICC lines, and change in patient management. The Committee will reconsider the LPN IV rules, in general, for any changes that may be appropriate at this time.

Draft Rule Change

Vickie Badgley, LPN, made a motion "to accept new language of 8.32.306 (2) (a), 8.32.402 (4), and 8.32.405 (1) (a)." The motion passed unanimously with no recusals or abstentions. The rule will limit the amount of time an application may remain active in the Board office. The rule will be noticed and heard with other rules awaiting notice.

GENERAL DISCUSSION ITEMS:

NCSBN (National Council for State Boards of Nursing) Midyear Meeting:

Barbara Swehla, Executive Director, provided an information related to the meeting in Chicago – this meeting replaces what were formerly two area meetings each year. Rita Harding, RN Member, moved to "send the executive director and president to the NCSBN Mid Year meeting". The motion was seconded and passed unanimously with no abstentions or recusals.

PERC (Practice, Education, Regulation Congruence Task Force) Strategic Planning Seminar:

Barbara Swehla, Executive Director, provided information as to the upcoming seminar as an 'FYI' only, having had previous full board approval to participate in this task force with NCSBN.

Duplicate Renewal Fee – New Rule October 2001:

Barbara Swehla, Executive Director, provided information regarding the negative impact of the new rule on board staff. The staff members have taken many

phone calls from abusive and angry licensees regarding this new rule. The board's intent relating to adopting the new rule was reviewed. Board Counsel, Jim Santoro, and the full board indicated that regardless of the licensee's reason for not having the renewal application and needing a replacement, the \$20 fee shall apply. The full board was verbally in agreement with this recommendation from counsel.

e-commerce Update

Barbara Swehla, Executive Director, provided statistics on 'hits' to the nursing home page indicating nursing being the highest number of hits for the division. The adoption rate of 15% for online renewals was shared with the board and discussion regarding a hopeful 50% adoption rate in 2002.

Memorandum from Mark Cadwallader, Legal Counsel, Department of Labor – Active Duty Military Licensing Fees

Jack Burke, RN Member and Board President, summarized the memorandum, the full board discussed the issue.

While no action was taken, the board wished to respond by stating a decision cannot be made by the board until "active duty" is clearly defined.

The board also supports waiving the fees for LPNs on active duty given the level of pay for those licensees, should the board make a final decision on fee waivers for active duty military.

Newsletter Topics

Newsletter topics were presented to Barbara Swehla, Executive Director:

- 1) Adding a statement to renewal applications "I have read the statutes and rules relating to nursing and agree to follow them".
- 2) Identification/Name Badges: discuss the inappropriateness of putting tape over the last name on the badge, turning it backwards
- 3) Appropriate to use embroidered names on clothing (such as lab coats) as opposed to a badge
- 4) Thank the nurses who are working at the Department of Corrections who are wearing the required identification – as well as others who are known to be in compliance with the rules.
- 5) Educate the licensees about some of the concerns the board and board staff have heard and that no data has been brought forward to support or substantiate those concerns

Assessment of Board Work

Lisa Addington, Bureau Chief, was present for a brief time at the request of board members. Discussion occurred in relation to the difficulty of obtaining rooms in Helena at the state rate.

Minutes Reflecting Content of Mail Ballots

The board discussed the process of approving mail ballot motions and final reports. Some members indicated that they wanted to have the motion and voting results indicated in the minutes. Since this has not historically been done, Barbara Swehla, Executive Director, stated that from now on, the minutes will reflect the vote on the report, but that the report itself will always be included with

the minutes as an attachment for reference.

Legislation – Assisted Living – Medication Aides

Barbara Swehla, Executive Director, discussed the work of the Assisted Living Legislative Work Group organized by DPHHS, Assisted Living, Roy Kemp, Bureau Chief and the subgroup on Medication Aides chaired by the board's executive director. The board indicated that the subgroup is going in the intended direction and noted that three board members are involved in the subgroup's work: Sharon Dschaak, LPN Member; Rita Harding, RN Member, and Vickie Badgley, LPN Member.

Also, board members discussed and suggested that the following be included in the "housekeeping" bill from the Business Standards Division:

- 1) APRN Committee – title to replace Prescriptive Authority Committee (rationale: many of the issues before the PA Committee have practice implications not specific to prescribing. The board desires a clear means to discuss and forward recommendations to the full board that relate to APRN practice in general as well as for prescribing authority.)
- 2) Increase of number of board members to 11 (both to be RN members is being requested). Rationale: The representation of RNs on the board is not sufficient to meet the demands of Panels and Committees, and is not representative of the licensee numbers in Montana – 11,000 RNs, 3,000 LPNs)
- 3) To remove "for compensation" from the definitions of the practice of nursing.

NCLEX Results by Phone/On-Line

Barbara Swehla, Executive Director, described the current program with NCSBN where a license applicant has taken the NCLEX examination and can call a number and get results. At a future date, the results will also be available by on-line query. Since the full board had previously approved the Results by Phone program, a motion was needed to allow obtaining online results when NCSBN has the program running. Rita Harding, RN Member, moved to "approve checking NCLEX results by applicants online when it is available". The motion was seconded and passed unanimously with no recusals or abstentions.

ADJOURNMENT

The meeting was adjourned at 5:00 p.m.

ADJUDICATION PANEL

Rita Harding, RN Member and Chairperson called the meeting to order at 8:10 a.m. Thursday, January 24, 2002 declared a quorum present. All members of the panel were present. Lorena Erickson, Public Member, moved to approve the minutes. The motion was seconded and approved unanimously.

The Non-Screening Panel members of the Board were presented with Proposed Stipulations, Final Orders and Defaults by James Santoro, Legal Counsel

PROPOSED STIPULATIONS AND FINAL ORDERS:

Mary Claire McDonnell, RN 26565

Sharon Dschaak, LPN, made a motion "to accept the Final Order and Stipulation for the above licensee for violations of the Montana Nurse Practice Act" and request three years Disciplinary Track of the Nurses' Assistance Program. The motion was seconded and passed unanimously with no recusals or abstentions.

Defaults:

Denise Willett RN 9014

Rita Harding and Sharon Dschaak recused themselves from the room and the proceedings in this case. Vickie Badgley, LPN, made a motion “to accept the Entry of Default & Final Order on the above licensee, for suspension of her license for a period of not less than one year and that any reinstatement of her license will only be considered once she has successfully completed one year with the Nurses’ Assistance Program.” The motion was seconded and three members voting yes. The motion passed unanimously with the two members’ recusals and no eligible voting members abstaining from the vote.

Jill Eaton LPN 3545

Lorena Erickson, Public Member, made a motion “to accept the Entry of Default & Final Order and Stipulation for the above licensee, for probation for a period of three years with quarterly reports to the board.” The motion was seconded and passed unanimously with no recusals or abstentions.

Sherrie Bruch LPN 8244

Vickie Badgley, LPN, made a motion “ to accept the Entry of Default & Final Order on the above licensee, for suspension of her license for a period of not less than one year and that any reinstatement of her license, will only be considered once she has successfully completed one year with the Nurses’ Assistance Program.” The motion was seconded and passed unanimously with no recusals or abstentions.

Jeri Payne, RN/APRN 13335

Sharon Dschaak, LPN, made a motion “to table any discussion in this case until we are in receipt of the Hearing Examiner’s recommendations in case #CC-01-050-NUR.” The motion was seconded and passed unanimously with no recusals or abstentions.

RECONVENE: The Board of Nursing reconvened Thursday, January 24, 2002 at 9:10 am. Jack Burke, RN, President declared a quorum present.

NURSING EDUCATION COMMITTEE REPORT: Gretchen McNeely, RN, gave a report on the Education Committee. The following motions come by recommendation of the Education Committee.

Draft Rule Change: Time Limits for Applications

Lorena Erickson indicated a “move to accept the draft rule change for time limits for applications under 8.32.306 Application for Recognition (2) (a); 8.32.402 Licensure by Examination (4); 8.32.405 Licensure by Endorsement (1) (a)”. The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals. (note: a motion on this subject also came forward from the Practice and Credentials Committee and was voted on by the full board)

Rationale: The Committee noted that for purpose of keeping applications current at the time of license approval it would be necessary for an applicant to submit a new application if the process was not completed within one year of initial submission. Additionally, NCSBN has reported difficulties with applications that remain on the books for extended periods of time and has asked all board jurisdictions to consider implementing rules limiting the time period for applications to remain active.

NCLEX Education Plan: MSU Billings COT Graduate:

The committee reviewed the plan submitted by the MSU Billings COT applicant, Cari Ann Rahn, who has failed NCLEX two times and needs an approved education plan to sit for a third time. Sharon Dschaak, LPN Member, moved to recommend to the full board to “accept the Education Plan for Cari Ann Rahn. 1) she may submit an application for the NCLEX PN exam 2) with documentation that she has completed the education requirements as stated in the December 11, 2001 letter to Barb Swehla”. The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

NCLEX Education Plan: Miles Community College Graduate:

The committee reviewed the plan submitted by the Miles Community College applicant, Joni Mae Singleton, who has failed NCLEX two times and needs an approved education plan to sit for a third time. Sharon Dschaak, LPN Member, moved to recommend to the full board to “accept the Education Plan for Joni Mae Singleton. 1) she may apply to take the NCLEX RN exam 2) submit documentation to the board office (Barb Swehla) that the education has been completed prior to application for NCLEX”. The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

NCLEX Pass Rates and Release of Results to Programs:

The Committee discussed the quarterly pass rate statistical report from National Council for State Boards of Nursing (NCSBN). Additionally, a letter from a graduate of MSU Northern was reviewed in terms of incorrect information on her pass/fail status provided by a person at the MSU Northern campus. The information was provided to the program upon special request to develop a plan for evaluating and improving the program’s pass rates, but was not intended for use to give students their results.

Sharon Dschaak, LPN Member, moved to recommend to the full board “that the board of nursing office will not release NCLEX pass/fail information to anyone but the license applicant except reports from National Council”. The committee is making this recommendation to provide the board office with documentation of its future refusals to such requests. The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

MSU Northern Complaints:

The committee discussed the complaint provided by the executive director primarily addressing concerns. Without substantial documentation from the complainants, the committee made the following decision to recommend to the full board: Sharon Dschaak, LPN member, moved that “the education committee close this complaint without prejudice (complaint brought to the BON from a student at Northern and a(an) RN)”. The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Note: to be closed “without prejudice” means that if the board receives further complaints, this complaint can be brought forward in the process of addressing the new complaint.

U.S. Department of Education Accreditation Status:

Sharon Dschaak, LPN Member, moved to recommend to the full board that we “discontinue our accreditation status with US Department of Education at the end of the accreditation period in 2003”. The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Rationale: The current status of USDE Nursing Program Approver for the Montana State Board of Nursing was discussed in the September 2001 Education Retreat. Since the accreditation status serves no real purpose at the present time, expires in 2004 (site visit would have been late fall 2003), and that the board can continue to APPROVE nursing education programs for initial licensure under its legislative authority.

Psychometric Analysis between NCLEX and Canadian Licensing Examinations:

The committee discussed the recent report from NCSBN regarding the completed analysis. Sharon moved to recommend to the full board to “accept the NCSBN position on the psychometric analysis of the Canadian Licensure Exam”.

The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Rationale: Since significant differences between the two exams exist, noting that the NCLEX examination meets the general requirements by National Council and is more rigorous than the Canadian examination, that the Montana Board of Nursing will continue to require Canadian license applicants to take and pass NCLEX before receiving a permanent license, rather than accepting the Canadian examination as meeting exam criteria.

**Faculty Qualifications
and Special Reports:**

MSU Bozeman Faculty Qualifications:

Sharon Dschaak, LPN Member, moved to recommend to the full board “accept the faculty qualifications for Nancy Rowell – MSU Bozeman and to accept the faculty qualifications (sic: for Natalie Boucher) upon receipt of her education plan to the board office.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

MSU Bozeman Special Report/Letter of Intent:

Lorena Erickson, Public Member, moved to recommend to the full board to “accept the letter of intent from MSU Bozeman dated Jan. 8, 2002, to offer nursing courses in the Flathead Valley.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Miles Community College Special Report – AAS to ASN Degree and Curriculum Changes:

Lorena Erickson, Public Member, moved to recommend to the full board “accept the report from MCC for program changes – with a report from the nursing program how the sociology course will be integrated in the nursing courses.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Note: The information requested must be provided in the April Committee meeting and to be included in the Annual Report due June 1, 2002.

Salish-Kootenai College:

Sharon Dschaak, LPN Member, moved to recommend to the full board to “accept the faculty qualifications for Glenna Burg pending receipt of additional information of peds and OB experience.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Sharon Dschaak, LPN Member, moved to recommend to the full board to “accept the extension for her education waiver for her Masters program for Constance Ricketts to May 2002.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

MSU Great Falls COT:

Sharon Dschaak, LPN Member, moved to recommend to the full board to “accept the faculty qualifications for Robyn Bush MacCallum Great Falls COT with education waiver.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

UM Missoula COT:

Sharon Dschaak, LPN Member, moved to recommend to the full board to “accept the faculty qualifications for Candace Neaves Missoula UM COT.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Lorena Erickson, Public Member, moved to recommend to the full board to “accept the faculty qualifications of Michele Sare-Conn for Missoula COT.” The

motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

**PRESCRIPTIVE
AUTHORITY
COMMITTEE REPORT:**

Rita Harding, RN, gave the Prescriptive Authority Committee report. The following motions came from committee:

Lorna Shea FNP

Rita Harding, RN moved to "recommend prescriptive authority for Lorna Shea." The motion passed unanimously with no recusals or abstentions.

Steven Blohm FNP

Kim Powell, RN moved to "recommend prescriptive authority for Steven Blohm." The motion passed unanimously with no recusals or abstentions.

Josh Jackson CRNA

Rita Harding, RN moved to "recommend prescriptive authority for Josh Jackson." The motion passed unanimously with no recusals or abstentions.

Suzanne Waritz FNP

Kim Powell RN moved to "recommend prescriptive authority for Suzanne Waritz pending receipt of physician reviewer in same specialty." The motion passed unanimously with no recusals or abstentions.

Janel Jones FNP

Rita Harding, RN moved to "recommend prescriptive authority for Janel Jones." The motion passed unanimously with no recusals or abstentions.

Change in Practice Application

Kathleen Mauer FNP

Rita Harding RN made a motion "to accept the change in practice for Kathleen Mauer, FNP." The motion passed unanimously with no recusals or abstentions.

Letters

Sue Asbell FNP

Sue Asbell FNP queried the Committee about its position on the FNP role in psychiatric care. The APRN Rules Subcommittee has been reviewing scope and practice of all APRNs. If a Family Nurse Practitioner intends to specialize in an area of practice, that FNP will be asked to submit a plan for competency. Included in that plan will be the expectation of continuing education in the specialty.

**2002 BOARD MEETING
DATES:**

The following dates have been set for the Board of Nursing 2002 meetings:
April 23,24,25,2002
July, 23,24,25,2002
October, 8,9,10, 2002

The board staff will check meeting room availability and will bring possible conflicts to the next board meeting, which may require meeting date changes.

OPEN FORUM:

Jean Branscum, Health Policy Advisor to the Governor, was present to hear the basis of the Board of Nursing's position on the CRNA (Certified Registered Nurse Anesthetist) Opt Out ruling from CMS (Center for Medicare and Medicaid Services). The board discussed their position and members of the audience provided additional information, such as the position of the Montana Hospital

Association per Judy Peterson, RN; the Montana Nurses' Association per Sami Butler, RN and Executive Director; and nurses anesthetists in the room (sign up sheet available).

Ms. Branscum thanked the board for the opportunity to hear their concerns and related issues and told the board that the Governor's Office will follow up at a later date.

ADJOURNMENT:

The meeting was adjourned at 12:10 p.m.

Jack Burke RN MS

President

Sharon Dschaak LPN

Secretary